



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 24, 2021

In Reply Refer To:

EPA Complaint No. 03R-21-R5

Lisa Henthorn
Interim County Administrator
Kalamazoo County
lisa.henthorn@kalcounty.com

Re: Rejection of Administrative Complaint

Dear Administrator Henthorn:

This letter is to notify you that the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), has completed its jurisdictional review of a complaint filed against the Kalamazoo County, Michigan (the County) that was received by ECRCO on September 1, 2021. The complaint alleges that the County discriminated against the predominantly African American community adjacent to the GPI facility in the City of Kalamazoo on the basis of race in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) *et seq.*, and EPA's nondiscrimination regulation, 40 C.F.R. Part 7, when it approved the Graphic Packaging International (GPI) facility site plan on September 17, 2019. After careful consideration, ECRCO is rejecting this complaint and closing the complaint as of the date of this letter, as it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 Code of Federal Regulation (C.F.R.) § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

ECRCO has concluded that it cannot accept this complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Although the complaint meets three prongs of EPA's jurisdictional analysis, after reviewing all the available information, ECRCO has determined that the complaint, which was filed in September 2021, was not filed within 180 days of the alleged discriminatory act that occurred on September 17, 2019. Although the complainant initiated the correspondence with EPA about the matter beginning on July 27, 2020, that correspondence was also not within the 180-day timeframe for filing a complaint against Kalamazoo County.

In light of the above, ECRCO is rejecting this complaint and closing this case as of the date of this letter. If you have questions about this letter, please feel free to contact me at (202)564-9649, by email at dorka.lilian@epa.gov, or Jack Pantziris, Case Manager, at (202)564-2466, by email at pantziris.jack@epa.gov.

Sincerely,



Lilian S. Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office

Cheryl Newton
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 5

Robert Kaplan
Regional Counsel
US EPA Region 5